S.B.Cr.Misc. Second Bail Appl. No.2237/2006

(Hakam Singh vs. State of Rajasthan)

Date of order : 11.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Mridul Jain, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

This is second bail application. After rejecting the earlier bail application, the prosecution has examined as many as thirty three witnesses.

It is contended by learned counsel for the petitioner that there is no evidence, which connects the petitioner with the commission of the crime. The petitioner has been implicated in this case only on the ground that by an agreement, he is said to be the owner of the vehicle, which alleged to have been transporting the contraband poppy husk. There is no evidence that petitioner was accompanying the vehicle in which the contraband poppy husk is said to have been transporting.

In view of the fact that the petitioner was not

accompanying the vehicle in which the contraband poppy husk is said to have been transporting illegally, the provisions of section 37 of the Narcotic Drugs and Psychotropics Substances Act, 1985 cannot be said to be attracted.

Having regard to the peculiar facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and petitioner Hakam Singh s/o Gurdeo Singh be released on bail in FIR No.08/2005, P.S. Jawarmines provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-